

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MATTHEW CAUGHEY, on behalf of)
himself and all others similarly situated,)

Plaintiff,

V.

2:23cv264

Electronic Filing

**BRIDGECREST ACCEPTANCE)
CORPORATION and BRIDGECREST)
CREDIT COMPANY, LLC.,)**

Defendants.

MEMORANDUM ORDER

Matthew Caughey (“Plaintiff”) commenced this consumer protection class action in the Court of Common Plea of Allegheny County alleging defendants were charging and collecting “pay-to-pay” fees and excess interest on a motor vehicle installment sales contract in violation of Chapter 62 of Pennsylvania’s Consumer Credit Code, 12 Pa. C. S. § 6201, *et seq.* Defendants removed the action on February 17, 2023. The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D. After a stay, the case was reassigned to United States Magistrate Judge Christopher B. Brown on July 3, 2024, following Judge Eddy's retirement.

The Magistrate Judge's Report and Recommendation (ECF No. 30) filed on February 14, 2025, recommended that defendants motion to dismiss for lack of standing and for failure to state a claim be granted in part and denied in part. Specifically, it recommended that defendants' motion to dismiss plaintiff's excessive interest claims for lack of standing be denied; that it be granted as to plaintiff's Loan Interest and Protection Law claim and his unjust enrichment claim;

and that it be denied as to plaintiff's Unfair Trade Practices and Consumer Protection Law claim. The parties were informed that objections to the Report and Recommendation were due by February 28, 2025. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 3rd day of March, 2025,

IT IS ORDERED that [18] Defendants Bridgecrest Acceptance Corporation and Bridgecrest Credit Company's motion to dismiss for lack of jurisdiction and failure to state a claim be, and the same hereby is, granted in part and denied in part. The motion is granted as to plaintiff's Loan Interest and Protection Law claim and his unjust enrichment claim. The motion is denied to the extent it seeks dismissal of plaintiff's excessive interest claims for lack of standing and plaintiff's Unfair Trade Practices and Consumer Protection Law claim. The [30] Report and Recommendation of Magistrate Judge Brown dated February 14, 2025, is adopted as the opinion of the Court.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Helen Chandler Steiger, Esquire
Kevin Ambromowicz, Esquire
Kevin W. Tucker, Esquire
Stephanie Moore, Esquire
Justin J. Kontul, Esquire
Alex Mahfood, Esquire
Perry A. Napolitano, Esquire

(Via CM/ECF Electronic Mail)